

FILED

November 10, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BY: aq
DEPUTY

UNITED STATES OF AMERICA,

v.

**CAPSULCN INTERNATIONAL
CO., LTD.,**

Defendant.

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NO. 3:25-CR-957-LS

ORDER

On this date came for consideration the United States of America's ("USA") Motion for Finding of Actual Notice of Summons and For Issuance of New Summons to Appear Before the Court as to Defendant CAPSULCN INTERNATIONAL CO., LTD. ("Motion"), ECF No. 37. The Court is of the opinion that said Motion should be **GRANTED**.

I.

FACTS

Having reviewed the USA's Motion, the evidence submitted to the attached Motion, and the applicable law, the Court finds the following facts:

- a. Defendant CAPSULCN INTERNATIONAL CO., LTD. (hereinafter "CapsulCN") was served by a means that gives notice under Federal Rule of Criminal Procedure 4(c)(3)(D)(ii) with a summons to appear before the United States District Court of the Western District of Texas to answer the Indictment against it, and an initial appearance and arraignment hearing was scheduled for September 5, 2025, at 3:30 p.m. in courtroom 512 in the United States Courthouse located at 525 Magoffin Avenue, El Paso, Texas 79901.
- b. Between May 21, 2025, and September 4, 2025, the Summons to appear at the

September 5, 2025 hearing was served on CapsulCN by direct service at its corporate address in the United Kingdom and via email and FedEx to its retained counsel. The Court notes it was also served on the People's Republic of China per its request.

c. On August 25, 2025, an attorney retained to represent Defendant CapsulCN indicated that Defendant would not appear for the initial appearance and arraignment scheduled for September 5, 2025.¹

II.

SECOND SUMMONS TO BE ISSUED AND SERVED TO COUNSEL FOR DEFENDANT

The Court ORDERS that a second summons be issued for Defendant CapsulCN to appear before the Court for initial appearance and arraignment on **Thursday, December 4, 2025, at 2:00 p.m.**

The Court finds that the summons can be served to Defendant through its counsel via email, fax, FedEx, or certified mail.² Alternatively, the USA may serve Defendant with the summons via its corporate address in the United Kingdom. Defendant must appear in courtroom 512 in the United States Courthouse located at 525 Magoffin Avenue, El Paso, Texas 79901.

III.

CONTEMPT FOR FAILURE TO APPEAR

The Court further notes that should Defendant CapsulCN fail to appear for initial appearance and arraignment, an order may be issued by the appropriate Court to show cause why it should not be held in contempt of court.

¹ The Court takes judicial notice that the courthouse did close on that day. However, the purpose of the findings is to show that Defendant did receive notice of the hearing via the means of service used by the USA.

² The Court notes that Exhibit 7 specifically indicates the law firm represents Defendant in their Engagement of Counsel letter sent to the USA. *See* ECF No. 37, Ex. 7.

IV.

CONCLUSION

It is therefore **ORDERED, ADJUDGED, AND DECREED** that a second summons be issued for Defendant CAPSULCN INTERNATIONAL CO., LTD. to appear before the Court for initial appearance and arraignment on **Thursday, December 4, 2025, at 2:00 p.m.** to be served to Defendant through its counsel via email, fax, FedEx, or certified mail. Defendant must appear in courtroom 512 in the United States Courthouse located at 525 Magoffin Avenue, El Paso, Texas 79901.

Alternatively, the USA may serve Defendant with the summons via its corporate address in the United Kingdom.

SIGNED this 10th day of November, 2025.



THE HON. LAURA ENRIQUEZ
UNITED STATES MAGISTRATE JUDGE